

MAR 01 2007

Atty Docket No. 21933-US
Serial No. 10/657,308
Page 3

REMARKS

Status of the claims

Claims 1-5 and 7 are canceled. Claim 6 is currently amended.

Claim 6 is pending and under consideration with entry of the amendments. Support for the amendments can be found throughout the specification as filed, for example Figure 3 illustrates the vessels in the form of a matrix array, and Figure 4 illustrates the closures in the form of a matrix array. No new matter is added, and Applicants respectfully request entry of the amendments.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over USP 5,720,406 (Fassbind et al.) in view of USP 6,776,964 (Wijnschenk et al.) and USP 4,226,333 (Percarpio). (Action page 2.) The Examiner asserts, in part, that it would have been obvious to one skilled in the art to provide the closures in Fassbind with recesses as shown in Wijnschenk as a matter of choice of design. Further, the Examiner asserts that it would have been obvious to one skilled in the art to provide the tool in Percarpio with the closure in Wijnschenk and the containers in Fassbind in view of the tool's known use. (Action page 3.)

Without acquiescing to the rejection and solely to facilitate prosecution, Applicants have amended claim 6 to make the distinction that the vessel system defined by claim 6 comprises a matrix array of vessels and a matrix array of corresponding closure elements, wherein each vessel is connected to at least one other vessel via a flexible connecting member, and wherein each closure element is connected to at least one other closure element via a flexible connecting member that allows a change in the distance between the closure elements. This underlined feature is important because it provides the necessary flexibility which makes it possible to close all vessels of the array of vessels with corresponding closure elements in spite of manufacturing tolerances which cause variations of the positions of the vessels. None of the references cited by the Examiner anticipate or suggest such a vessel system.

The Fassbind publication discloses a circular array of vessels and a circular array of corresponding closure elements. The degree of flexibility achieved with the teaching of Fassbind is limited to flexibility along a circular line, that is, one-dimensional flexibility. This becomes apparent if the circular array of Fassbind is cut at one point and the vessels and the closures are arranged along a linear path. Therefore the teachings of Fassbind do not suggest the two-dimensional degree of flexibility achieved with the matrix array of vessels and the matrix array of closures recited in claim 6.

The Fassbind publication discloses the use of rounded tops designed to close the container in a gas-tight manner, but Fassbind does not disclose or suggest the use of closure elements having a cylindrical recess into which a pin can be pressed to close the openings of the vessels, as defined by claim 6. The Wijnschenk publication discloses a sealing mat closure assembly comprising cylindrical recesses, but these recesses are designed for functionalities different from those defined in the present invention. For example, Wijnschenk discloses "...it is particularly advantageous if the sealing elements are constructed such that they can be punctured by a needle, preferably relatively easily" (Wijnschenk column 4 lines 28-30). The functionality of the recesses as defined by claim 6 includes the accommodation of a pin to close the vessels and not to pierce the vessels. Wijnschenk's sealing mat closure device teaches away from the use of a pin to close the openings of the vessels in the present invention because the cylindrical recesses of Wijnschenk are designed to be punctured "easily", a feature not found in the present invention.

The Examiner has not demonstrated any suggestion or motivation, other than "design choice", to combine the cylindrical recesses of Wijnschenk with the rounded top closures of Fassbind. In the present invention, the design of the recesses is not a cosmetic "design choice" as the Examiner asserts; the cylindrical recess design of the present invention serves a functional and important purpose – the accommodation of a pin for closure of the vessels. There is no suggestion or motivation provided in Fassbind for modifying the rounded tops to have a cylindrical recess as provided by Wijnschenk. Nor is there suggestion or motivation provided by Wijnschenk for modifying the design of rounded tops such as in Fassbind to incorporate a cylindrical recess for any purpose.

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The Percarpio publication discloses the use of a tool for inserting and removing closure elements; the Fassbind and Wijnschenk publications do not disclose such a device. In fact, Wijnschenk teaches away from using a tool; in describing the prior art Wijnschenk discloses: "A further disadvantage {of the prior art} is that tools must be used if an individual (single) sealing element has to be fitted" (Wijnschenk column 1 lines 31-32). Additionally in Wijnschenk, the closure assembly is removed by pulling away the carrier sheet to which the closure elements are attached (Wijnschenk abstract). No tools are required or even suggested in Wijnschenk in order to use the closure assembly as disclosed. The Examiner has not provided any suggestion or motivation in Wijnschenk to incorporate the use of a tool such as described by Percarpio. Further, the tool of Percarpio would not function in combination with the rounded caps of Fassbind. Therefore there is no reasonable expectation of success for combining the tool of Percarpio with the closures in Fassbind. And the Examiner has not provided motivation or suggestion in Fassbind to incorporate the use of a tool such as described by Percarpio. As discussed above, there is no suggestion or motivation provided in Fassbind for modifying the rounded tops to have a cylindrical recess as provided by Wijnschenk; nor is there suggestion or motivation provided by Wijnschenk for modifying the design of rounded tops such as in Fassbind to incorporate a cylindrical recess for any purpose. The Examiner has not provided suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the tool in Percarpio with the cylindrical recesses in the Wijnschenk and the closures of Fassbind.

Applicants assert that the Examiner has not established a *prima facie* case of obviousness for the reasons as outlined above. Applicants respectfully request the reconsideration and withdrawal of the §103 rejections of claim 6.

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MAR 01 2007

NO. 303

P. 6

Attr Docket No. 21933-US
Serial No. 10/657,308
Page 6

CONCLUSION

Applicants respectfully assert that the present application is in condition for allowance and request that the Office issue a timely Notice of Allowance.


Applicants respectfully request a 2-month extension of time to respond to the Office Action mailed October 16, 2006. The response date was January 16, 2007; with the granting of this request, the response time is re-set to March 16, 2007. The commissioner is hereby authorized to charge the amount of \$450, the fee due under 37 CFR §1.17(a)(2), to Deposit Account No. 50-0812. Please grant any additional extensions of time that may be required to enter this amendment and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

Please direct all future correspondences to: Customer No. 22829.

Respectfully submitted,

Date: March 1, 2007

By:


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